

STATE OF TENNESSEE  
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF:

TENNESSEE DEPARTMENT OF  
FINANCIAL INSTITUTIONS

Petitioner,

vs.

NEW CENTURY CREDIT  
CORPORATION, NEW CENTURY  
MORTGAGE CORPORATION,  
NEW CENTURY MORTGAGE  
VENTURES, LLC, and HOME123  
CORPORATION,

Respondents.

Docket No. 03.06-095158J

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AGREED ORDER

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This matter is before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Financial Institutions.

It appearing that the parties have agreed to resolve this contested case by the entry of this Agreed Order, and that in support thereof the parties make the following representations, as evidenced by the signatures of their authorized representatives and attorneys below:

1. Tenn. Code Ann. § 45-1-105 provides that the Tennessee Department of Financial Institutions (the "Department") is charged with the execution of all laws

relative to persons doing or engaged in a banking or other business as provided in Title 45 of the Tennessee Code, except for pawnbrokers covered by Chapter 6 of Title 45.

2. New Century Credit Corporation, New Century Mortgage Corporation, New Century Mortgage Ventures, LLC, and Home123 Corporation (collectively, the “Respondents”) are each registered with the Department as a mortgage lender, a mortgage loan broker, and a mortgage loan servicer under the Tennessee Residential Lending, Brokerage and Servicing Act of 1988, Tenn. Code Ann. §§ 45-13-101, *et seq.* (the “Act”).

3. The duties imposed upon the Commissioner and the Department with respect to persons engaged in business under the Act are carried out by the Department’s Compliance Division (the “Division”).

4. On March 15, 2007, the Commissioner of the Department issued an Emergency Cease and Desist Order (the “Emergency Order”) relative to each of the Respondents.

5. The Emergency Order provides that each of the Respondents shall immediately cease and desist from engaging in business as a mortgage lender or a mortgage loan broker with respect to any Tennessee consumers and/or residential real property located in Tennessee, except as expressly provided in the Emergency Order, until such time as any of the Respondents is able to satisfactorily demonstrate to the Commissioner that it is able to engage in business lawfully and within the purposes of the Act.

6. The Emergency Order further provides that each of the Respondents shall fully comply with all of the obligations to each consumer who has a mortgage loan currently pending, approved, or closed but not funded, with any of the Respondents.

7. On March 27, 2007, the Department received from counsel for the Respondents a Request for Hearing Regarding Emergency Cease and Desist Order.

8. On April 2, 2007, the Department filed with the Secretary of State a Request for Administrative Judge to Conduct Contested Case.

9. This matter constitutes a "contested case" within the meaning of Tenn. Code Ann. § 4-5-102(3), and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101, *et seq.*, is applicable to this matter.

10. Each of the Respondents has ceased engaging in business as a mortgage lender or a mortgage loan broker with respect to any Tennessee consumers and/or residential real property located in Tennessee.

11. Each of the Respondents, as applicable, has taken action to comply with all obligations to each Tennessee consumer who, at the time of entry of the Emergency Order, had a mortgage loan pending, approved, or closed but not funded, by placing such loans with third parties.

It further appearing, as evidenced by the signatures of their authorized representatives and attorneys below, that the parties have agreed to resolve this contested case as hereinafter set forth, and for good cause shown to me;

IT IS, THEREFORE , ORDERED:

a. That none of the Respondents shall engage in business as a mortgage lender or as a mortgage loan broker with respect to any Tennessee consumers and/or any residential real property located in Tennessee without first obtaining the prior written approval of the Commissioner, and in connection with the request of any of the

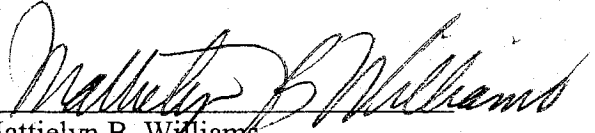
Respondents to resume engaging in either such business, the Commissioner shall be provided with such information as the Commissioner may request.

b. That neither the Emergency Order nor this Agreed Order pertains to or affects the authority of any of the Respondents to act as a mortgage loan servicer under the Act pursuant to the existing certificate of registration held by each of the Respondents; provided, however, that this Agreed Order in no way precludes the Commissioner from taking any action authorized under applicable law with respect to or against any of the Respondents in their capacities as mortgage loan servicers under the Act.

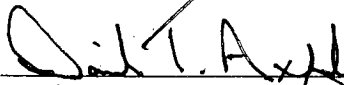
c. That nothing contained in this Agreed Order shall prohibit the Commissioner from taking any other and further action authorized by applicable law with respect to any of the Respondents in their capacities as mortgage lenders and mortgage loan brokers for any violations of the Act that may have occurred prior to the entry of the Emergency Order, and which violations are not specifically addressed herein.

d. That, except as otherwise expressly provided herein, this Agreed Order represents the complete and final resolution of this contested case.

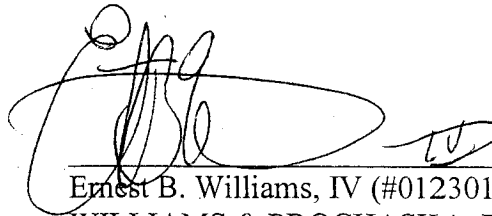
This Agreed Order entered and effective this 15 day of June,  
2007.

  
Mattielyn B. Williams  
Administrative Judge

APPROVED FOR ENTRY:



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